

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

|                          |   |                  |
|--------------------------|---|------------------|
| DONALD HOWARD and        | ) |                  |
| GLORIA HOWARD,           | ) |                  |
|                          | ) |                  |
| Plaintiffs,              | ) |                  |
|                          | ) |                  |
| v.                       | ) | CIVIL ACTION NO. |
|                          | ) | 3:09cv721-MHT    |
|                          | ) | (WO)             |
| AMERICAN GENERAL FINANCE | ) |                  |
| CORPORATION,             | ) |                  |
|                          | ) |                  |
| Defendant.               | ) |                  |

OPINION

Plaintiffs Donald and Gloria Howard filed suit against defendant American General Finance Corporation for violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq., and the Alabama Deceptive Trade Practices Act, 1975 Ala. Code, § 8-19-1 et seq., and for state common-law causes of action, claiming the company intentionally continued to collect and report on the Howards' debtor accounts though they had been discharged by bankruptcy. Jurisdiction in this case is proper under 15 U.S.C. § 1681p of the Fair Credit Reporting Act and pursuant to the court's federal-question jurisdiction

under 28 U.S.C. § 1331 and supplemental jurisdiction under 28 U.S.C. § 1367.

The lawsuit is now before the court on American General's motion to compel arbitration and stay judicial proceedings based on a note and security agreement between the parties, which contains a binding arbitration provision, and pursuant to § 5 of the Federal Arbitration Act, 9 U.S.C. § 5. As the Howards have conceded American General's motion, an appropriate judgment will be entered.

DONE, this the 15th day of October, 2009.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE